

REMARKS/ARGUMENTS

Favorable consideration of this application in light of the following discussion is respectfully requested.

Claims 12-25 are pending in the application, with Claims 12-20 amended and Claims 21-25 added by the present amendment.

In the outstanding Office Action, Claims 12-14, 17, 19 and 20 were rejected under 35 U.S.C. § 102(e) as being anticipated by Schlekewey et al. (U.S. Patent No. 6,181,276); Claim 18 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Schlekewey in view of Keskitalo et al. (U.S. Patent No. 5,966,670, hereinafter Keskitalo); and Claims 15 and 16 were indicated as allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims

Applicants gratefully acknowledge the indication of the allowable subject matter.

Claims 12-15 are amended to recite that the sectors are rotated synchronously. Support for this amendment is found in Applicants' originally filed specification.¹ New Claim 21 corresponds to allowable Claim 15, albeit rewritten in independent form including all of the limitations of the base claim. New Claim 22 corresponds to original Claim 20, albeit dependent from new Claim 21. New Claims 23-24 correspond to original Claims 12-13, albeit reciting mechanical rotation. New Claim 25 corresponds to original Claim 20, albeit dependent from new Claims 23-24. Support for new Claims 23-25 is found in Applicants' originally filed specification.² No new matter is added.

Amended Claim 12 is directed to a method of distributing communications established by radio-communication terminals, within a geographic cell of a radio-communication network, where the geographic cell is sub-divided into at least two

¹ Specification, Figures 2a-2b.

² Specification, page 10, lines 9-12; Figure 3.

geographic sectors. The improvement comprises synchronously rotating an orientation of all of the at least two geographic sectors if a) a total transmission rate of one of the at least two geographic sectors is greater than a predetermined total transmission rate, or b) a number of links established in one of the at least two geographic sectors is greater than a predetermined number of links. With Applicants' invention, loads may be more effectively shifted and shared in a mobile network.

Schlekeway discloses a method and apparatus for synthesizing radiation patterns as a function of a number of beams and respective beam widths.³ However, Schlekeway fails to disclose or suggest synchronous rotation of sectors as recited in amended Claims 12-20. Also, as noted in the Official Action, Schlekeway also fails to disclose or suggest mechanical rotation of sectors as recited in new Claims 23-25.

Applicants have considered the Keskitalo reference and submit Keskitalo does not cure the deficiencies of Schlekeway. As none of the cited prior art, individually or in combination, disclose or suggest all the elements of independent Claims 12, 21 and 23, Applicants submit the inventions defined by Claims 12, 21 and 23, and all claims depending therefrom, are not anticipated and are not rendered obvious by the asserted references for at least the reasons stated above.⁴

³ Schlekeway, column 8, line 55 – column 9, line 10.

⁴ MPEP § 2142 "...the prior art reference (or references when combined) must teach or suggest **all** the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)."

Accordingly, in light of the previous discussion, Applicants respectfully submit that the present application is in condition for allowance and respectfully request an early and favorable action to that effect.

Respectfully submitted,

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